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22 September 1955

MEMORANDUM FOR THE RECORD

SUBJECT: Leiter Estate - Jurisdiction and Control

1. Title to the lands in question was considered in an earlier memorandum.

2. Control of the proposed building site is vested in the Department of Commerce (Bureau of Public Roads). Control of the access road right-of-way is vested in the Department of Interior (National Park Service), subject to certain authorities conferred on the NCPC.

3. Jurisdiction over the access road right-of-way is concurrent in Virginia and the United States, such concurrent Federal jurisdiction being limited by Virginia statute. A similar limited jurisdiction over the building site is available (under Virginia statute) if formally accepted by the agency head having control of the land at any given time (as provided by Federal statute). A greater degree of concurrent jurisdiction by the United States over either parcel may be acquired at any time by agreement between the Virginia authorities and the agency head having control of the parcel.

4. Transfer of control over either parcel would, of course, require the respective consents of the Department of Commerce and the Department of Interior. In addition, in the opinion of the General Counsel of the National Capital Planning Commission, approval of the Commission would be necessary. This opinion is based upon the authorities given to the Commission by the Act of 19 July 1952 (66 Stat. 781) which established it. Although examination of the statute does not necessarily lead to this conclusion, there are sound tactical reasons for requesting the Commission's approval at an early stage because the personnel of the Commission include the Director of the National Park Service, the Commissioner of Public Roads and the Commissioner of Public Buildings. It would also be desirable to consult with the Attorney General on the questions of title, control, jurisdiction and transfer control.

5. The tentative conclusions reached in this memorandum could be verified and a clearer course for future proceedings outlined

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after consultation with the several concerned departments, but the undersigned felt it premature to undertake such consultation without express authorization since it will undoubtedly lead to much speculation.

6. Attachment A is a memorandum of law substantiating the foregoing conclusions. Attachment B is a brief history of the Bureau of Public Roads, included to indicate the relationship of the General Services Administration to this problem (a relationship not believed substantial). Attachment C is a verbatim quotation of the Federal statute pertaining to the acceptance of jurisdiction. Attachment D is a quotation of relevant portion of the Act of 19 July 1932, which created the NCPC.

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[redacted]

Office of General Counsel

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